

**REMARKS**

The Office Action dated November 12, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 77-83 and 101-108 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 57-76, 84-100 and 109-112 have been canceled without prejudice or disclaimer. Claim 113 has been newly added. No new matter has been added. Claims 77-83, 101-108 and 113 are presently pending.

In the Office Action, it is noted that all of the references for the first two IDS forms submitted have been considered. As for the more recent IDS of November 12, 2008, Applicants kindly ask that the IDS form be considered and returned in the next correspondence.

The Office Action has objected to the priority of one of the earlier filed GB applications 0216278.2 (the other application being 0300917.2) filed on July 12, 2002. The Office Action reasoned that priority of the GB application was not properly claimed in the allotted time frame for claiming foreign priority. This objection is respectfully traversed.

The present application was filed in the U.S. on January 11, 2005, which is within 30 months of the filing of the original PCT application filed on July 11, 2003. The original priority document to GB application 0216278.2 was properly accepted during the PCT filling process, as evidenced by its reference in the published WO 2004/008797

application. Also, the U.S. patent office has recognized both the PCT and the original priority documents, as noted by the filing receipt, a copy of which is enclosed for your consideration. Therefore, the earlier priority date of the GB application 0216278.2 is proper. Withdrawal of the objection is kindly requested.

The Office Action has objected to claim 110 for containing a minor claim informality. Claim 110 has been cancelled thus rendering its rejection moot. Withdrawal of the objection is kindly requested.

The Office Action has rejected claims 65, 70 and 107 under §112, second paragraph, for containing minor claim informalities related to antecedent basis. Applicants have cancelled claims 65 and 70, and have amended claim 107 to correct this minor informality. Withdrawal of the objection is kindly requested.

The Office Action has rejected claims 84, 111 and 112 under §101 for being directed to non-statutory subject matter. Applicants have cancelled these claims thus rendering the rejection moot. Withdrawal of the objection is kindly requested.

Claims 57, 59, 60, 62, 66, 67, 69, 71, 72, 77-79, 84-88, 90, 91, 93, 98, 99, 101-103 and 106 were rejected under 35 U.S.C. §102(b) as being anticipated by Sevanto (WO 00/78080). The Office Action took the position that Sevanto discloses all of the elements of the claims. Initially, Applicants note that claims 57, 59, 60, 62, 66, 67, 69, 71, 72, 84-88, 90, 91, 93, 98 and 99 have been cancelled thus rendering their rejections moot. However, the rejection of the remaining claims is respectfully traversed for at least the following reasons.

Claim 77, upon which claims 78-83 are dependent, recites a method that includes receiving a first packet data protocol request from a user equipment at a first network element of a network, the packet data protocol request including an identity of a preferred packet data protocol context. The method also includes transmitting a second packet data protocol request from the first network element to a second network element, the second packet data protocol request including at least part of the first packet data protocol request. The method further includes receiving from the second network element, information on a selected packet data protocol context for signalling traffic, and confirming the selected packet data protocol context to the user equipment.

Claim 101, upon which claims 102-108 are dependent, recites an apparatus that includes a receiver configured to receive a first packet data protocol request from a user equipment at a first network element of a network, the first packet data protocol request including an identity of a preferred packet data protocol context. The apparatus also includes a transmitter configured to transmit a second packet data protocol request from the first network element to a second network element, the second packet data protocol request including at least part of the first packet data protocol request. The receiver is configured to receive from the second network element information on a selected packet data protocol context for traffic between the user equipment and the network. The apparatus also includes a confirming unit configured to confirm the selected packet data protocol context to the user equipment.

As will be discussed below, the disclosure of Sevanto fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above. This rejection is respectfully traversed for at least the following reasons.

Sevanto discloses indicating service specific details for PDP contexts between a mobile station (MS) and a fixed packet-switched data transmission network. The activation of a new packet-switched communication connection includes transmitting an activation request message with a service type indicator field that includes a set of service type indicator values. Referring to FIG. 2a, a MS transmits an activate PDP context request message (operation 201) which contains the information shown in FIG. 3a. The message includes a network service access point identifier (NSAPI), which identifies the PDP context to be activated within the GPRS/UMTS network.

At operation 203, the SGSN receives the activate PDP context request message and then forwards onward part of the message to the GGSN which receives the message portion at operation 206. The GGSN determines whether to provide the service itself or to select an external service provider based on the PDP configuration options in the context activation request. Next, after the service has been activated, the GGSN sends a create PDP context response message to the GSGN (operation 207). This message lets the SGSN and GGSN know that the specific service type identifier has been accomplished. The SGSN then transmits an activate PDP context accept message to the MS at operation 209.

Sevanto does not disclose or suggest “receiving a first packet data protocol request...including an identity of a preferred packet data protocol context...confirming the selected packet data protocol context to the user equipment”, as recited in independent claim 77 and similarly in independent claim 101 and 113. Sevanto only requests activation of a specific PDP context and the GGSN or an external service provider handles this activation. After the service has been activated, the create PDP context response message is sent only to inform the SGSN and MS that the activation has occurred (see page 9, lines 3-12 of Sevanto).

Therefore, Sevanto is limited to only activating the context requested and does not disclose that the GGSN selects an alternative context, or, at least provides that option. The response message in Sevanto is therefore simply providing confirmation as to whether the service has been activated or not. In contrast, embodiments of the present invention provide that a different communication connection from the preferred one may be selected and a confirmation may be sent that a particular communication connection has been selected. The notion of a “preferred packet data protocol context” is beyond Sevanto’s disclosure. Sevanto simply fails to disclose “receiving a first packet data protocol request...including an identity of a preferred packet data protocol context...confirming the selected packet data protocol context to the user equipment”, as recited in independent claim 77 and similarly in independent claim 101 and 113.

Therefore, Applicants submit that Sevanto fails to disclose all of the subject matter of independent claims 77, 101 and 113. By virtue of dependency, Sevanto also fails to

disclose the subject matter of those claims dependent thereon. Withdrawal of the rejection is kindly requested.

Claim 58 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Crawley (U.S. 5,953,312). Claim 58 has been cancelled thus rendering this rejection moot. Withdrawal of the rejection is kindly requested.

Claims 61, 63-65, 89 and 92 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Puuskari (WO 00/41401). Claims 61, 63-65, 89 and 92 have been cancelled thus rendering this rejection moot. Withdrawal of the rejection is kindly requested.

Claims 68 and 95 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Koistinen (U.S. 6,154,778). Claims 68 and 95 have been cancelled thus rendering this rejection moot. Withdrawal of the rejection is kindly requested.

Claims 70, 81, 94, 96, 97 and 105 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chen (U.S. 2001/00531126). Claims 70, 94, 96 and 97 have been cancelled thus rendering their rejections moot. As for claims 81 and 105, the rejection is respectfully traversed.

Sevanto is discussed above, Chen discloses a UMTS 20 that includes a core network (CN) 22 formed by a gateway GPRS support node (GGSN) 24 and a serving GPRS support node (SGSN) 26. There is also a UMTS terrestrial radio access network (UTRAN) 28. A MT 30 communicates with the UTRAN 28 across a radio interface.

The MT 30 is connected to terminal equipment (TE) 32, which may run non-UMTS specific applications. The MT 30 is UMTS specific, and is capable of processing the traffic from the TE 32 to channel it appropriately to the UMTS, usually to the radio access network.

Claims 81 and 105 are dependent upon claims 77 and 101 and contains all of the limitations thereof. As discussed above, the disclosure of Sevanto fails to disclose or suggest all of the elements of claims 77 and 101. In addition, Chen fails to cure the deficiencies in Sevanto as Chen also fails to disclose or suggest “receiving a first packet data protocol request...including an identity of a preferred packet data protocol context...confirming the selected packet data protocol context to the user equipment”, as recited in independent claim 77 and similarly in independent claim 101 and 113. Thus, the combination of Sevanto and Chen fails to disclose or suggest all of the elements of claims 81 and 105. Furthermore, claims 81 and 105 should be allowed for at least their dependence upon claims 77 and 101, and for the specific limitations recited therein.

Claims 73, 82 and 107 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Uskela (WO 01/47179). Claim 73 has been cancelled thus rendering its rejection moot. As for claims 82 and 107, the rejection is respectfully traversed.

Sevanto is discussed above, Uskela discloses a packet radio network where a packet data address is activated for a terminal for transmitting data packets between the terminal and an external network. Information on the activated packet data address is

stored at least in the edge nodes of the network. To prevent spoofing, the method and network node of the invention include checking in the node whether the source address of the packet transmitted from the terminal is the same as the packet data address used in the transmission of the packet or does the source address belong to a set of allowed packet data addresses. The packet is transmitted from the node towards the destination address only if the addresses are identical or the source address belongs to the set of allowed packet data addresses.

Claims 82 and 107 are dependent upon claims 77 and 101 and contains all of the limitations thereof. As discussed above, the disclosure of Sevanto fails to disclose or suggest all of the elements of claims 77 and 101. In addition, Uskela fails to cure the deficiencies in Sevanto as Uskela also fails to disclose or suggest “receiving a first packet data protocol request...including an identity of a preferred packet data protocol context...confirming the selected packet data protocol context to the user equipment”, as recited in independent claim 77 and similarly in independent claim 101 and 113. Thus, the combination of Sevanto and Uskela fails to disclose or suggest all of the elements of claims 82 and 107. Furthermore, claims 82 and 107 should be allowed for at least their dependence upon claims 77 and 101, and for the specific limitations recited therein.

Claims 74-76, 83, 100 and 108 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Lindgren (U.S. 2002/0002041). Claims 74-76 and 100 have been cancelled thus rendering their rejections moot. As for claims 83 and 108, the rejection is respectfully traversed.

Sevanto is discussed above, Lindgren discloses a voice over IP radio telecommunications system that allows a mobile station to make an emergency call, even though other calls would not be allowed at that time. The mobile station includes an emergency call indication in the session activation request, and this is recognized by the network nodes, which then allow call set up.

Claims 83 and 108 are dependent upon claims 77 and 101 and contains all of the limitations thereof. As discussed above, the disclosure of Sevanto fails to disclose or suggest all of the elements of claims 77 and 101. In addition, Lindgren fails to cure the deficiencies in Sevanto as Lindgren also fails to disclose or suggest “receiving a first packet data protocol request...including an identity of a preferred packet data protocol context...confirming the selected packet data protocol context to the user equipment”, as recited in independent claim 77 and similarly in independent claim 101 and 113. Thus, the combination of Sevanto and Lindgren fails to disclose or suggest all of the elements of claims 83 and 108. Furthermore, claims 83 and 108 should be allowed for at least their dependence upon claims 77 and 101, and for the specific limitations recited therein.

Claims 80 and 104 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Le (U.S. 6,230,005). The rejection is respectfully traversed.

Sevanto is discussed above, Le discloses an overlay to an existing cellular switching structure to provide post-second generation services without the need to make modifications or updates to the existing infrastructure is disclosed. The overlay preserves second generation switching while providing post-second generation services. The

overlay includes a post-second generation infrastructure for providing processing of post-second generation communication services, a first interface, coupled to the post-second generation infrastructure, for providing an access interface to a base station subsystem and processing base station subsystem signaling based upon a type of service and a type of call flow associated with the received signaling from the base station subsystem.

Claims 80 and 104 are dependent upon claims 77 and 101 and contains all of the limitations thereof. As discussed above, the disclosure of Sevanto fails to disclose or suggest all of the elements of claims 77 and 101. In addition, Le fails to cure the deficiencies in Sevanto as Le also fails to disclose or suggest “receiving a first packet data protocol request...including an identity of a preferred packet data protocol context...confirming the selected packet data protocol context to the user equipment”, as recited in independent claim 77 and similarly in independent claim 101 and 113. Thus, the combination of Sevanto and Lindgren fails to disclose or suggest all of the elements of claims 80 and 104. Furthermore, claims 80 and 104 should be allowed for at least their dependence upon claims 77 and 101, and for the specific limitations recited therein.

Claims 109 and 110 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chen and in view of Bell (U.S. 5,659,542). Claim 111 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chen and in view of Uskela (WO 01/47179). Claim 112 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sevanto in view of Chen, Uskela and in view of Garcia Martin (3rd Generation Partnership Project Release 5 Requirements on the Session Initiation

Protocol). Claims 109-112 have been cancelled thus rendering these rejections moot. Withdrawal of the rejections is kindly requested.

For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 77-83, 101-108 and 113 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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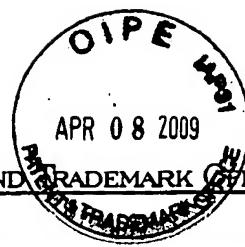
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Domestic Priority data as claimed by applicant

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Foreign Applications

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UNITED KINGDOM 0300917.2 01/15/2003

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Early Publication Request: No

**Title**

Communication channel selection

**Preliminary Class**

370

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